

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

## AT CHARLESTON

**WILLIAM STIERWALT and  
AMY STIERWALT,**

**Plaintiffs,**

**V.**

**Civil Action No:** 2:19-cv-00552  
**(Judge \_\_\_\_\_)**

**BEST LOGISTICS GROUP, INC.,  
H & W HOLDINGS, LLC dba BEST  
SPECIALIZED and BEST SERVICES  
GROUP, INC.,**

## Defendants.

## COMPLAINT

Plaintiffs, William Stierwalt and Amy Stierwalt state as follows:

1. The plaintiff, William Stierwalt, is a resident of Kanawha County, West Virginia.
2. The plaintiff, Amy Stierwalt is a resident of Kanawha County, West Virginia and the wife of William Stierwalt.
3. The defendant, Best Logistics Group, Inc. is a North Carolina corporation, doing business in Kanawha County, West Virginia and the Southern District of West Virginia.
4. At all times herein the defendant, Best Logistics Group, Inc. is the parent and/or holding company of the defendant, H & W Holdings, LLC dba Best Specialized.

5. At all times herein the defendant, Best Services Group, Inc. is and/or was the parent and/or holding company of the defendant, H & W Holdings, LLC dba Best Specialized.
6. The defendant, H & W Holdings, LLC dba Best Specialized is a North Carolina corporation, doing business in Kanawha County, West Virginia and the Southern District of West Virginia.
7. At all times mentioned herein, Charles Duane Haney, a North Carolina resident, was employed by the defendant H & W Holdings, LLC dba Best Specialized and as an agent of his employer was at all times mentioned herein acting within the scope of his employment and in furtherance of the employer's business and that of the the parent and/or holding company, the defendant, Best Logistics Group, Inc. and/or the defendant, Best Services Group, Inc.
8. This action is brought pursuant to **§28 USC 1332** as the parties are citizens of different States and the amount in controversy exceeds the sum or value of \$75,000.00.
9. At all times herein the plaintiff, William Stierwalt was a toll booth collector working for the West Virginia Parkways Authority on the West Virginia Turnpike at its Chelyan, Kanawha County, West Virginia location.
10. At times herein, Charles Duane Haney, an employee of the defendant H & W Holdings, LLC dba Best Specialized, was a commercial truck driver operating a Freightliner 122SD 2017 Red Hardtop motor vehicle owned by the defendant H & W Holdings, LLC dba Best Specialized and was hauling an oversized load.

11. At all times herein, Charles Duane Haney, as an employee of the defendant H & W Holdings, LLC dba Best Specialized, and the defendant, Best Logistics Group, Inc. and/or Best Services Group, Inc. was acting on their behalf to carry out the business practices of said defendants.
12. The defendant, Best Logistics Group, Inc. as the parent and/or holding company of the defendant, H & W Holdings, LLC dba Best Specialized holds itself out to be a company that offers nationwide service specializing in oversize loads.
13. The defendant, Best Services Group, Inc. as the parent and/or holding company of the defendant, H & W Holdings, LLC dba Best Specialized holds itself out to be a company that offers nationwide service specializing in oversize loads.
14. The West Virginia Parkways Authority has established an outside travel lane for the passage of oversized and/or wideloads through the Toll Plaza on the West Virginia Turnpike.
15. The West Virginia Parkways Authority requires oversized and/or wideload vehicles to only utilize the outside perimeter lanes when passing through the Toll Plaza as identified herein.
16. The oversized and/or wideloads are not to physically pass through any interior lane in the Toll Plaza identified herein.
17. The oversized and/or wideloads are not to physically pass through any interior lane so as to avoid contacting and/or damaging and/or destroying the toll booths occupied by Toll Collectors.

18. Prior to entering the Toll Plaza and/or Toll Booths at the Chelyan Toll Plaza location, the West Virginia Parkways Authority located and/or situated at least two warning signs giving notice to drivers that wide loads must use the right perimeter lane.
19. In addition to the warning signs, any driver of an oversized and/or wide load should be aware that an oversized and/or wide load will not go through the Toll Plaza interior lanes.
20. On December 20, 2017, Charles Duane Haney, an employee of the defendant H & W Holdings, LLC dba Best Specialized, ignored the two warning signs negligently, carelessly, unlawfully and with reckless disregard operated the vehicle, hereinabove described, in an attempt to drive through an interior lane without stopping.
21. On December 20, 2017, the truck operated by Charles Duane Haney, an employee of the defendant H & W Holdings, LLC dba Best Specialized, did not have a West Virginia E-Z Pass attached to the truck license number.
22. As a result of these actions, on December 20, 2017, Charles Duane Haney an employee of the defendant H & W Holdings, LLC dba Best Specialized, negligently, carelessly, unlawfully and with reckless disregard caused the vehicle, as described herein, and the load he was hauling to collide with the toll booth occupied by the plaintiff, William Stierwalt, all without any fault on behalf of the plaintiff.

23. On December 20, 2017, the truck operated by Charles Duane Haney, an employee of the defendant H & W Holdings, LLC dba Best Specialized, did not have a West Virginia E-Z Pass attached to the truck license number at the moment the truck collided with the Toll Booth occupied by the Plaintiff, William Stierwalt.
24. When Charles Duane Haney, an employee of the defendant H & W Holdings, LLC dba Best Specialized negligently, carelessly, unlawfully and with reckless disregard collided with the toll booth, the force of his oversize load truck and trailer without limitation destroyed the toll booth by ripping it from its foundation, collapsing the toll booth and breaking the glass and other mechanisms in and around the toll booth. **See, Exhibit A.**
25. The actions of Charles Duane Haney, as an employee of the defendant H & W Holdings, LLC dba Best Specialized, in striking the toll booth, proximately caused severe physical and mental injuries to the plaintiff, William Stierwalt in that without limitations he was physically struck by the vehicle, as described herein, was trapped inside of the toll booth and was presented with the fact that he was potentially going to die.
26. As a direct and proximate result of the negligence, carelessness, unlawful acts and the reckless disregard of the driver Charles Duane Haney the employee, agent, and servant of the defendant, H & W Holdings, LLC dba Best Specialized and the defendant, Best Logistics Group, Inc. the plaintiff, William Stierwalt was severely injured.

As a direct and proximate result of the wrongful acts of the defendants as described herein, the plaintiff, William Stierwalt has been required to expend large sums of money for medical and hospital treatment and services for the physical and mental injuries received.

27. As, a direct and proximate result of the wrongful acts of the defendants as described herein, the plaintiff, William Stierwalt will require future medical care and treatment because of the permanent and lasting effect of those injuries.
28. As a direct and proximate result of the wrongful acts of the defendants as described herein, the plaintiff, William Stierwalt has suffered severe and permanent personal injury which has caused loss of earnings and earning capacity.
29. The plaintiff, Amy Stierwalt, is the spouse of the plaintiff, William Stierwalt, and that in said capacity has sustained a great and irreparable loss in that she has been and will be deprived of the society and companionship of as a result of the acts of the defendants as described herein.
30. As a direct and proximate result of the wrongful acts of the defendants as described herein, the plaintiff, William Stierwalt has endured pain and suffering, mental anguish and emotional distress, annoyance, and inconvenience and the loss of ability to enjoy life.
31. As a direct and proximate result of the defendant's willful, wanton and malicious acts as described herein, the plaintiff seeks punitive damages against the defendants.

**WHEREFORE**, the Plaintiffs William Stierwalt and Amy Stierwalt demand judgment for compensatory, general and punitive damages in an amount to be set by the jury or the Court, along with costs, attorney fees and any other relief the Court finds that is equitable or allowed by law.

**PLAINTIFFS DEMAND A TRIAL BY JURY.**

**WILLIAM STIERWALT and  
AMY STIERWALT  
By Counsel**

*Cynthia M. Ranson*

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**J. Michael Ranson State Bar # 3017**

**Cynthia M. Ranson State Bar # 4983**

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